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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

FREDERICK THEODORE RALL III, Plaintiff and Appellant, v. TRIBUNE 365 LLC et al., Defendants and Respondents.	B287721 (Los Angeles County Super. Ct. No. BC613703)

APPEAL from an order of the Superior Court of Los Angeles County. Joseph R. Kalin, Judge. Affirmed.

Roger A. Lowenstein and Jeffrey Lewis for Plaintiff and Appellant.

Davis Wright Tremaine, Kelli L. Sager, Rochelle Wilcox, Dan Laidman; and Jeffrey Glasser for Defendants and Respondents.

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Plaintiff Frederick Theodore Rall III, a political cartoonist and blogger, sued Los Angeles Times Communications LLC (The Times) after it published a "note to readers" and a later more detailed report questioning the accuracy of a blog post plaintiff wrote for The Times. The Times told its readers that it had serious questions about the accuracy of the blog post; that the piece should not have been published; and that plaintiff's future work would not appear in The Times. Plaintiff sued The Times, related entities, and several individual defendants, alleging causes of action for defamation and for wrongful termination in violation of public policy, among other claims. All defendants filed anti-SLAPP (strategic lawsuit against public participation) motions to strike plaintiff's complaint (Code Civ. Proc., § 425.16). The trial court granted the motions, and we affirmed the trial court's orders in *Rall v. Tribune 365 LLC* (2019) 31 Cal.App.5th 479, 505, review granted April 10, 2019, S254282.

Plaintiff now appeals the trial court's award of the attorney fees requested by defendants. We affirm.

BACKGROUND

On December 7, 2017, after considering the parties' briefs and oral argument, the trial court issued an order finding the hourly rates of defense counsel and the amount of time spent were reasonable, and awarding a total of $352,736.14 in attorney fees to the individual defendants, The Times defendants and Tribune Media.

Throughout his opening brief (plaintiff did not file a reply brief), plaintiff has disparaged defendants, defense counsel, the trial court, and the legal system. Not only is such disparagement inappropriate, it is ineffective. Appellate briefs provide an opportunity to present cogent legal arguments. Appellate briefs

are not a forum for plaintiff to vent his spleen. We do not repeat or consider any of plaintiff's inappropriate and irrelevant remarks.

DISCUSSION

"We review an anti-SLAPP attorney fee award under the deferential abuse of discretion standard. [Citations.] The trial court's fee determination ' " 'will not be disturbed unless the appellate court is convinced that it is clearly wrong.' " ' [Citation.] . . . 'The judgment of the trial court is presumed correct; all intendments and presumptions are indulged to support the judgment; conflicts in the declarations must be resolved in favor of the prevailing party, and the trial court's resolution of any factual disputes arising from the evidence is conclusive.' " (*Christian Research Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1322 (*Christian Research*).)

As our Supreme Court has explained, "under Code of Civil Procedure section 425.16, subdivision (c), any SLAPP defendant who brings a successful motion to strike is entitled to *mandatory* attorney fees." (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1131, italics added (*Ketchum*); see also § 425.16, subd. (c)(1), italics added ["a prevailing defendant on a special motion to strike *shall* be entitled to recover his or her attorney's fees and costs"].) The purpose of the statute's mandatory fee language is to discourage SLAPP suits by imposing the litigation costs on the party bringing the SLAPP action. (*Ketchum,* at p. 1131.) The statutory right to fees extends to successful defense on appeal. (*Dove Audio, Inc. v. Rosenfeld, Meyer & Susman* (1996) 47 Cal.App.4th 777, 785.)

"The amount of an attorney fee award under the anti-SLAPP statute is computed by the trial court in accordance with

the familiar 'lodestar' method. [Citation.] Under that method, the court 'tabulates the attorney fee touchstone, or lodestar, by multiplying the number of hours reasonably expended by the reasonable hourly rate prevailing in the community for similar work.' " (*Cabral v. Martins* (2009) 177 Cal.App.4th 471, 491.) " 'The reasonable market value of the attorney's services is the measure of a reasonable hourly rate.' " (*Chacon v. Litke* (2010) 181 Cal.App.4th 1234, 1260; accord, *Syers Properties III, Inc. v. Rankin* (2014) 226 Cal.App.4th 691, 701, and *Nemecek & Cole v. Horn* (2012) 208 Cal.App.4th 641, 651.) The reasonable market rate is that amount " ' "to which attorneys of like skill in the area would typically be entitled." ' " (*Ketchum*, *supra*, 24 Cal.4th at p. 1133.)

Trial courts are vested with broad discretion in setting a reasonable fee "because they are in the best position to assess the value of the professional services rendered in their courts." (*Christian Research*, *supra*, 165 Cal.App.4th at p. 1321.) " *'[A]bsent circumstances rendering the award unjust*, an attorney fee award should ordinarily include compensation for *all* the hours *reasonably spent*, including those relating solely to the fee.' " (*Ibid.*) The fee provision in the anti-SLAPP statute is to be "broadly construed" to effectuate its legislative purpose. (*Wilkerson v. Sullivan* (2002) 99 Cal.App.4th 443, 446; accord, *Wanland v. Law Offices of Mastagni, Holstedt & Chiurazzi* (2006) 141 Cal.App.4th 15, 22.)

"In order to demonstrate error, an appellant must supply the reviewing court with some cogent argument supported by legal analysis and citation to the record." (*City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 286–287.) We may and do "disregard conclusory arguments that are not supported by

pertinent legal authority or fail to disclose the reasoning by which the appellant reached the conclusions he wants us to adopt." (*Id.* at p. 287.)

Nowhere in his brief does plaintiff develop any coherent argument that the hourly rate or the number of hours spent by defense counsel was unreasonable. Plaintiff says lead defense counsel's discounted rate of $705 an hour is inflated, while at the same time telling us it is not unique, and that big corporate clients have adjusted to such rates. Plaintiff says the question for the court is whether the defense could have gotten the same for less. That is *not* the question for the court. Plaintiff has failed to demonstrate defendants' fee request was "overreaching" or "inflated."

Rather than address the legal principles that govern attorney fee awards, plaintiff claims various procedural errors that are irrelevant to the propriety of the fee award. He argues the trial court abused its discretion by deciding the attorney fee motion during the pendency of the appeal from the order granting the anti-SLAPP motion. He is wrong. (*Bankes v. Lucas* (1992) 9 Cal.App.4th 365, 368 ["the filing of a notice of appeal does not deprive the trial court of jurisdiction to award attorney fees as costs post trial"]; *Silver v. Gold* (1989) 211 Cal.App.3d 17, 26 [filing of notice of appeal of dismissal order does not divest court of jurisdiction to award sanctions].) This rule applies to anti-SLAPP orders of dismissal. (*Carpenter v. Jack in the Box Corp.* (2007) 151 Cal.App.4th 454, 460-461 ["Plaintiff's decision to seek his attorney fees in a separate noticed motion rather than as part of his opposition to defendants' special motion to strike did not deprive the trial court of jurisdiction to consider the issue."].) Plaintiff has not shown the trial court abused its discretion by denying his motion to continue the hearing.

Plaintiff argues he improperly joined as a defendant Tribune Media, and therefore, it was "grand theft" for defendants to seek attorney fees for obtaining the dismissal of Tribune Media in an anti-SLAPP motion, rather than by filing some other motion. Plaintiff offers no cogent argument or appropriate legal or factual citations to support the claim that *his* error in joining Tribune Media should deprive Tribune Media of the right to recover fees for obtaining dismissal of his baseless claims against it.

Plaintiff says the defense was not candid by failing to cite to the trial court *Park v. Board of Trustees of California State University* (2017) 2 Cal.5th 1057, which he characterizes as adverse authority. In our previous opinion affirming the grant of the anti-SLAPP motion, we distinguished *Park* and rejected plaintiff's arguments based on that case. (*Rall v. Tribune 365 LLC, supra,* 31 Cal.App.5th at pp. 510-512.) We do so now, as well. Plaintiff has not articulated any argument or cited any legal authority to explain what *Park* has to do with the fee award. Similarly, plaintiff's harangue against defense counsel for citing *Okorie v. Los Angeles Unified School Dist.* (2017) 14 Cal.App.5th 574 has nothing to do with the fee award. We find his reference to the Watergate scandal is no substitute for reasoned analysis.

We will not entertain plaintiff's disrespectful and baseless attacks upon the trial court and his rantings against the legal system. Plaintiff's argument that the court erred by not issuing a statement of decision is contrary to the law. (*Ketchum, supra,* 24 Cal.4th at p. 1140 ["The superior court was not required to issue a statement of decision with regard to the fee award."].)

We deny the request to take judicial notice as the materials are irrelevant to this appeal.

DISPOSITION

The award of attorney fees is affirmed. Defendants are to recover costs and fees incurred on appeal.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.